

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 3-7 are currently being amended. Claim 1 has been amended to include the features of claim 2, which has been cancelled, and to clarify that the noble metal particle and the transition metal particle are separated from each other, which is supported in the present specification at least on page 23, lines 15-18. The amendments to dependent claims 3-7 are in the nature of clarifying amendments which do not substantially narrow their scope.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-15 are now pending in this application, of which claims 8-15 are withdrawn from consideration.

### *Claim objection*

Claim 7 was objected to for informalities. Claim 7 has been amended as suggested by the Patent Office thus overcoming the objection thereto.

### *Double patenting*

Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 6 of copending U.S. Application No. 11/079,270 ("the '270 application"). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 6 of copending U.S. Application No. 11/079,377 ("the '377 application"). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 7 of copending U.S. Application No. 11/722,275 (“the ‘275 application”). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of copending U.S. Application No. 11/578,295 (“the ‘295 application”). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 4-5 of copending U.S. Application No. 10/589,890 (“the ‘890 application”). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of copending U.S. Application No. 10/584,346 (“the ‘346 application”). Claims 1-8 and 17-20 stand provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2-3 and 7 of copending U.S. Application No. 10/584,243 (“the ‘243 application”).

Without acquiescing to the propriety of this rejection, applicants submit herewith a Terminal Disclaimer with respect to the above mentioned patent applications, thus overcoming the rejection.

***Rejections under 35 U.S.C. § 112, second paragraph***

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended to address the issue raised in the Office Action, and claims 3-7 have been amended as suggested by the Patent Office. Applicants submit that the claims as amended are definite under 35 U.S.C. § 112, second paragraph, and respectfully request that the rejection be withdrawn.

***Rejections under 35 U.S.C. § 102***

Claims 1 and 3-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ito et al. Claims 1, 3-5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by

Vorlop '496. Claims 1 and 3-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ihara '647.

These rejections are moot in light of the amendment to independent claim 1 to include the features from dependent claim 2, which was not rejected based on any of Ito et al., Vorlop '496, or Ihara '647, and thus claim 1 as amended is presumed to be allowable over Ito et al., Vorlop '496, and Ihara '647.

Dependent claims 3-7, which depend from independent claim 1, are allowable at least by virtue of their dependency, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 18, 2009

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5426

Facsimile: (202) 672-5399

By Thomas G. Bilodeau

Glenn Law

Attorney for Applicant

Registration No. 34,371

Thomas G. Bilodeau

Attorney for Applicant

Registration No. 43,438